

CITY OF LOWELL

PERSONNEL HANDBOOK

AND

PROCEDURES MANUAL

Table of Contents

CHAPTER 1

GENERAL POLICIES

1.1 Purpose.....	6
1.2 Scope.....	6
1.3 Definitions	6
1.4 Amendments and Revisions.....	8
1.5 Distribution List.....	8

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITIES

2.1 Equal Opportunity Employer	8
2.2 Americans with Disabilities Act.....	8
2.3 Unlawful Discrimination and Harassment.....	9
2.4 Compliant Reporting and Investigation.....	9

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 At-Will Employer.....	10
3.2 Departmental Policies and Procedures	10
3.3 Authority to Hire and Fire	10
3.4 Job Posting and Advertising.....	11
3.5 Employment Applications and Resumes	11
3.6 Post-Offer Pre-Employment Physicals	11
3.7 Fitness for Duty Exam	12
3.8 The Omnibus Transportation Employee Testing	12
3.9 Drug and Alcohol Testing.....	12
3.9.1 Fitness for Duty	13
3.9.2 Notification.....	13

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 Attendance	13
4.2 Work Hours	14

4.3	Unauthorized Work Time.....	14
4.4	Compensation	14
4.4.1	Reporting and Verifying Hours Worked	14
4.4.2	Payroll Records	14
4.4.3	Payroll Procedures and Payday	15
4.5	Overtime and Compensatory Time.....	15
4.5.1	Overtime.....	15
4.5.2	Compensatory Time	15
4.5.3	Non-Exempt and Exempt Employees.....	16
4.6	Emergency Situations	16
4.7	Temporary and Seasonal Employees	16
4.8	Vacancies and Promotions.....	16
4.9	Training	17
4.10	Travel Policy.....	17
4.11	Performance Evaluations	18
4.12	Job Safety	18
4.13	Refusal to Work.....	19
4.14	Resignation/Termination	19
4.15	Exit Interviews	19
4.16	Job Descriptions.....	19

CHAPTER 5

BENEFITS

5.1	Vacations	20
5.1.1	Police Department.....	20
5.1.2	Fire Department.....	20
5.1.3	Non-Uniformed Employees.....	21
5.1.4	Vacation – All Personnel	21
5.1.5	Scheduling Vacations	22
5.2	Holidays and Holiday Pay	22
5.3	Inclement Weather	23
5.4	Sick Leave.....	23
5.5	Funeral or Bereavement Leave.....	24

5.6	Maternity Leave.....	25
5.7	Uniformed Services	25
5.8	Family Medical Leave Act	25
5.8.1	FMLA Eligibility	26
5.8.2	Calculation of Leave.....	26
5.8.3	Use of Paid Time Off Benefits	26
5.8.4	Intermittent or Reduced Leave	26
5.8.5	Notification.....	27
5.8.6	Leave Provisions or Spouses Both Working for the City	27
5.8.7	Job Restoration	27
5.8.8	Employee Benefits	27
5.8.9	Certification	28
5.8.10	Release to Return to Work	29
5.8.11	Dispute Resolution	29
5.9	Sick Leave Bank (SLB)	29
5.9.1	Purpose	29
5.9.2	Participation and Eligibility	29
5.9.3	Sick Leave Bank Board	30
5.10	Leave for Witness or Jury Duty	31
5.11	Training Leave	31
5.12	Employee Health Benefits.....	31
5.13	Occupational Injuries.....	31
5.14	Accidental Injury	31

CHAPTER 6

STANDARDS OF CONDUCT

6.1	Standards of Conduct.....	32
6.2	Uniforms and Dress Code Policy	32
6.3	Guidelines for Appropriate Conduct	34
6.4	Absenteeism and Tardiness.....	35
6.5	Not Used	35
6.6	Outside Employment or Moonlighting.....	35
6.7	Not Used	35

6.8 Outside Compensation	35
6.9 Political Activity	35
6.10 Use of Narcotics, Alcohol and Tobacco.....	36
6.11 Drug Free Workplace	36
6.12 Use of City Assets and Resources	36
6.12.1 Telephones.....	37
6.12.2 Computers and Other Technological Resources	37
6.12.3 Internet Access/Electronic Communications	38
6.12.4 Not Used	39
6.12.5 Removal of City Property.....	39
6.13 City Vehicles	40
6.14 Disciplinary Action.....	40
6.15 Procedure for Review of Disciplinary Action.....	41

CHAPTER 7

MISCELLANEOUS INFORMATION

7.1 Policy Statement	41
7.2 Conflicts	41
7.3 Severability.....	41
7.4 Policy Changes	41
7.5 Change of Address.....	41

CHAPTER 8

SALARIES

8.1 Wages	42
8.2 Anniversary Dates.....	42
8.3 Date of Hire	42
8.4 Performance Evaluations	42
8.5 Cost of Living Allowances	42
8.6 Pay Periods.....	42
8.7 Payroll Deductions	42
8.8 Record Keeping	43

CHAPTER 9

HEALTHY WORKPLACE

9.1 Prevention of the Spread of Illness in the Workplace	44
9.2 Reducing the Risk of Transmission of Blood Borne Pathogens	44
9.3 Definitions	44
9.4 Employee Education and Training	45
9.5 Work Practice Controls.....	45
9.6 Housekeeping/Cleaning Controls.....	47
9.6.1 Housekeeping Procedures	47

CHAPTER 1

GENERAL POLICIES

1.1 PURPOSE

This Personnel Handbook contains policies, practices and procedures which are necessary to implement and administer the City's personnel system. By adopting this Handbook, the City endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures.

This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such.

1.2 SCOPE

All employees of the City of Lowell are subject to the application of the personnel policies and procedures described in this Handbook.

1.3 DEFINITIONS

EMPLOYEE – An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

EXEMPT EMPLOYEE – Employee who is not eligible for overtime. All salaried employees are exempt.

FULL-TIME EMPLOYEE – Employee who is regularly scheduled to work in a position which has not less than thirty-eight (38) hours weekly and is not classified as "seasonal" or "short duration". Full-Time employees are eligible for all benefits.

NON-EXEMPT EMPLOYEE – Employee who is eligible for overtime compensation.

UNIFORMED EMPLOYEE – Sworn law enforcement officers and firefighters.

NON-UNIFORMED EMPLOYEE – Employees other than sworn law enforcement officers and firefighters.

OVERTIME -

Non-uniformed - Hours worked in excess of 40 hours during one week of a regular payroll period.

Uniformed

Sworn law enforcement officers - Hours worked in excess of 86 hours during a regular 2-week payroll period.

Firefighters – Hours worked in excess of 114.83 hours during a regular 2-week payroll period.

PART-TIME EMPLOYEE – Employee who is regularly scheduled to work less than 38 hours in one week. Part-time employees are not eligible to receive benefits such as paid sick leave, holidays, vacations, overtime or health insurance.

IMMEDIATE FAMILY – Shall include spouse, children, parents, spouse's parents, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, or those relatives living in the employee's household for whom the employee is the primary caregiver

SICK LEAVE - The term "sick leave" is defined as a temporary absence with full pay from one's duties for the reason of personal illness or illness in the employee's immediate family. For purposes of "sick leave" immediate family is defined as spouse, children, spouse's children, parents, or those relatives living in the employee's household for whom the employee is the primary caregiver

CATASTROPHIC ILLNESS – Catastrophic illness will be defined as illness or illness recovery which extends, or does not fall within, usual and customary guidelines.

FUNERAL OR BEREAVEMENT LEAVE – Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all City employees in cases of death or in the circumstances of death in the immediate family only.

Travel time may be granted upon prior approval of the Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

MATERNITY LEAVE – Employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy related reasons. Therefore, accrued sick and vacation leave will be granted for childbirth or related medical conditions.

MILITARY LEAVE – In times of war or national emergency, full-time employees are entitled to receive a leave of absence without pay upon joining or being called into military service of the United States of America.

Employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time (A.C.A. 21-4-102 as amended by Acts 673 and 956 of 1991). For purposes of military leave a day is defined as an eight (8) hour day.

RETIREMENT -

APERS – Normal Retirement:

Age 65 with at least 5 years of service

Any age with 28 years of service

Age 60 with 20 years of service (contributory members prior to 07/01/2005)

LOPFI - Normal Retirement:

Any age with 28 years of credited service

At least age 55 and has at least 20 years of credited service

At least age 60 and has at least 5 years of credited service

1.4 AMENDMENTS AND REVISIONS

This manual may be amended and revised periodically as necessary at the direction of the City Council.

The City of Lowell shall have the exclusive right to change, alter, delete, add or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall be approved by resolution of the City Council.

This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

1.5 DISTRIBUTION LIST

A copy of this manual and all subsequent revisions or amendments shall be distributed to all employees and elected City officials.

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

2.1 EQUAL OPPORTUNITY EMPLOYER

The City of Lowell is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the City does not discriminate on the basis of disability. The City's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.

The anti-discrimination policies contained in this Personnel Handbook and Procedures Manual shall be strictly adhered to at all times.

2.2 AMERICANS WITH DISABILITIES ACT

The City of Lowell, Arkansas abides by the requirements of the Americans with Disabilities Act and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Human Resource Department. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace.

2.3 UNLAWFUL DISCRIMINATION AND HARASSMENT

2.3.1 POLICY

The City of Lowell expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race religion, creed, color, national origin, sex, marital status, age, status as a veteran or special disabled veteran or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

2.3.2 PROHIBITED CONDUCT DEFINED

Discrimination or harassment is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of race, sex, religion, national origin, age or disability. Discrimination or harassment may include, but is not limited to the following actions:

- Verbal abuse or ridicule;
- Interference with an employee's work;
- Displaying or distributing sexually offensive, racist or other derogatory materials;
- Discriminating against any employee in work assignments or job-related training because of one of the above above-referenced basis;
- Intimate physical contact;
- Making offensive sexual, racial or other derogatory innuendoes;
- Demanding favors (sexual or otherwise), explicitly, as a condition of employment, promotion, or any other transfer or any other term or condition of employment.

2.4 COMPLIANT REPORTING AND INVESTIGATION

It is every employee's responsibility to ensure that his or her conduct does not include or imply discrimination or harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following should apply:

- An employee should report harassment or suspected harassment to the department head. This complaint should be made in writing.
- Any time an employee has knowledge of harassment he/she shall inform the department head in writing, who will determine whether further investigation is warranted.
- Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The City of Lowell will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

FALSE ACCUSATIONS: If false accusations are proven to have been intentionally made against an employee by another employee who knows, or has reason to know, that the allegations made are false, the City will institute appropriate disciplinary action against the false accuser.

CHAPTER 3

GENERAL EMPLOYMENT POLICIES

3.1 AT-WILL EMPLOYER

The City of Lowell is an at-will employer. This means that the City of Lowell or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

All city employees should understand that this Handbook is not intended to create any contractual or other legal rights. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time.

3.2 DEPARTMENTAL POLICIES AND PROCEDURES

Each department head is authorized to adopt lawful written policies governing the day-to-day operations of that department. These policies must be approved by, and filed with, the Mayor. Departmental policies, if in conflict with these employee policies and procedures, shall be governed by these Personnel Handbook policies and procedures.

3.3 AUTHORITY TO HIRE AND FIRE

The Mayor will establish the number of City employees and compensation for each employee with the advice and recommendation of Department supervisors and approval of the City Council. The job title and annual pay rate will be specified by department in the annual budget approved by the City Council members or any other position or classification governed by any other City ordinance or State statute.

The Mayor has the authority to make all hiring decisions based on the recommendations of the department heads.

No immediate family member of a Department Head will be eligible for employment in the same department as the Department Head. Immediate family members of the currently serving Mayor, Clerk/Treasurer, or City Council are ineligible to be hired by the City during the term of the elected official.

3.4 JOB POSTING AND ADVERTISING

An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the City. Application forms are available at City Hall and on the City website.

In the event of a job opening, the position or positions open may be announced and posted in City Hall at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement may be distributed to city departments and, as appropriate, to public and private employment agencies, local newspapers and other sources, which might recruit applicants. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

Applications for full-time city employment will not be accepted from anyone less than eighteen (18) years of age. The Mayor shall make the final decision with respect to hiring new employees and promoting existing employees, except as otherwise provided by Arkansas law.

3.5 EMPLOYMENT APPLICATIONS AND RESUMES

The City of Lowell relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures.

3.6 POST-OFFER PRE-EMPLOYMENT PHYSICALS

Post-offer pre-employment physicals will be required for every applicant to be hired for the City in a permanent employment position. Such examinations shall be paid for by the City and shall determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. Licensed physicians selected by the Mayor shall perform the examinations. These medical files shall be maintained in the physician's office with a summary report provided to the Mayor, or designee, indicating whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations.

Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the Mayor. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to an applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the office of the physicians or mental health practitioners with only a summary report provided to the Mayor, or designee, to be kept in a confidential file apart from the Personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the City Government.

3.7 FITNESS FOR DUTY EXAM

Employees who become incapacitated, due to mental or physical disabilities, from performing the essential job functions with or without reasonable accommodation or who pose a direct safety threat shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the department head shall take such action that is necessary for the good of the service.

3.8 THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

It is the City of Lowell's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees with CDL licenses. These tests include pre-employment, post-accident, random, reasonable suspicion, and return to duty and follow up testing. The City of Lowell will not permit an employee who refuses to submit to required testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the City of Lowell the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy. Refusal to submit to required testing is grounds for disciplinary action, up to, and including dismissal.

3.9 DRUG AND ALCOHOL TESTING

The City of Lowell has a responsibility to ensure safe working conditions for its employees and a productive City workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, the City is committed to maintaining a workplace that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The City prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on City premises during work hours. Any employee involved in a property damage accident while driving a City vehicle will submit to post-accident testing.

The City of Lowell reserves the right to randomly test for drug and/or alcohol abuse by employees who hold safety or security sensitive positions which otherwise are not covered by the controlled substance screening requirements of the Federal

Motor Carrier Safety Regulations. Any employee displaying behavior that allows for a reasonable suspicion of drug and/or alcohol abuse while on the job may be subject to testing for drug and alcohol abuse.

The City prohibits the possession, smoking, or otherwise usage of medical marijuana on City premises. The City reserves the right to take action based upon the good faith belief that a qualifying patient was under the influence of marijuana while on the premises of the employer or during the hours of employment, provided that a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief.

Any City employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to, and including termination as allowed by federal, state and local laws..

3.9.1 FITNESS FOR DUTY

Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act (ADA). The City will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the City on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

Any employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the City will result in appropriate disciplinary action, including termination.

3.9.2 NOTIFICATION

As a condition of employment with the City, employees must abide by the terms of this drug and alcohol policy and report any arrest under a criminal drug or alcohol statute including DUI or DWI convictions for violations occurring on or off City premises. The report of an arrest shall be made to the employee's supervisor within five (5) days after the arrest. An arrest under a criminal drug or alcohol statute may result in disciplinary action, may disqualify an employee from the ability to perform the essential functions of their job, and may lead to termination. Failure to report an arrest to the employee's supervisor within five (5) days of the arrest may result in disciplinary action, including immediate termination.

CHAPTER 4

COMPENSATION AND MATTERS AFFECTING EMPLOYMENT STATUS

4.1 ATTENDANCE

Employees shall be in regular attendance at their workstation in accordance with the rules and regulations established by department heads and the Mayor.

Excessive absenteeism and/or tardiness is disruptive to the workplace and may result in disciplinary action.

4.2 WORK HOURS

All departments will keep daily attendance records of all employees, which will be reported to the Finance Department on the form and on the date specified.

The city reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of Lowell. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head and/or Mayor.

Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. All employees shall take a meal break (not less than thirty minutes) during a “regular” work day.

4.3 UNAUTHORIZED WORK TIME

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action including but not limited to suspension without pay.

4.4 COMPENSATION

4.4.1 REPORTING AND VERIFYING HOURS WORKED

Compensation for employment with the City of Lowell may be subject to the Fair Labor Standards Act. It is each employee’s responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the forms provided by their supervisor. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a bi-weekly basis to their supervisors for signatures. The supervisors shall forward the same to the Finance Director in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken.

4.4.2 PAYROLL RECORDS

The Finance Director shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours.

4.4.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid every other Thursday. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to their department head.

4.5 OVERTIME AND COMPENSATORY TIME

4.5.1 OVERTIME

The City will pay overtime to non – uniformed employees in accordance with the Fair Labor Standards Act at one and one-half times the base rate or hourly rate for all hours **physically worked in excess of forty (40) hours per week**. Vacation, holiday, compensatory and sick hours are not included when calculating the forty (40) hours required to earn overtime pay or additional compensatory time.

Overtime will be permitted only with prior approval of the department head prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to suspension without pay.

4.5.1.1 ADDITIONAL OVERTIME COMPENSATION FOR POLICE OFFICERS AND FIREFIGHTERS

In an emergency situation, and with prior written approval of the Mayor, when a sworn, full-time firefighter or police officer of the City of Lowell (except for salaried employees) is required by the department to work for any authorized reason while off-duty, such emergency services employee shall be compensated for such time at the rate of 1.5 times his or her regular rate of pay.

In addition, vacation time used shall not count against a full-time firefighter's active duty hours when calculating eligibility for FLSA overtime compensation within that look-back period.

4.5.2 COMPENSATORY TIME

Upon the direction or approval of the Mayor compensation for overtime may be made in the form of compensatory leave time ("comp time") to the employee. Comp time is accrued at a rate of time and one half for all hours worked by non – uniformed personnel in excess of forty (40) hours per workweek. No employee may accumulate more than eighty (80) hours of comp time at any given time. Hours in excess of eighty (80) shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime and comp time. However, the overtime and comp time records of the Finance Director shall be final with respect to the number of compensatory leave

days earned by an employee. Compensatory hours accrued can be rolled over from one year to the next. Comp leave should be scheduled in the same manner required for vacation days.

Buy-out of compensatory time shall not be permitted except under extraordinary circumstances as approved by the Mayor and Department Head.

4.5.3 NON-EXEMPT AND EXEMPT EMPLOYEES

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this Handbook.

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek.

4.6 EMERGENCY SITUATIONS

It is the policy of the City to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City offices. Such situations shall be determined by the Mayor after consideration of all facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

4.7 TEMPORARY AND SEASONAL EMPLOYEES

On occasion, the City may hire temporary or seasonal employees who are hired for a set duration (i.e., in the form of a seasonal employee, such as a lifeguard for an outdoor swimming pool) or for a specific project. These employees are not intended to be employed on a regular basis and are employed at-will. Temporary employees may be hired full or part-time and are paid for actual hours worked at a rate determined by the department head. Temporary, non-exempt employees are eligible for overtime for hours exceeding forty (40) hours per workweek, subject to all other overtime policies set forth in this Handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other City benefits.

4.8 VACANCIES AND PROMOTIONS

It is the intent of the City of Lowell to hire and promote the most qualified applicant for all vacant positions. To give the employees of the City of Lowell an opportunity to apply for job vacancies, announcements of job openings may be posted on employee bulletin boards.

In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies may be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.

The final decision regarding promotions shall be made by the Mayor upon recommendation of the department head.

4.9 TRAINING

The City of Lowell is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the City for various jobs, each employee has a responsibility of ascertaining for himself that he is possessed with sufficient training to enable him to perform his job. If the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training should be assumed by the City.

4.10 TRAVEL POLICY

Travel expenses will be charged to a city credit/purchasing card if available. **Personal expenses shall not be charged to the City's credit, or purchasing card.** Employees utilizing their personal credit card on approved City travel will be reimbursed for any approved expenses incurred, provided original receipts for the expenses are presented. Employees should use a City owned vehicle for City travel when available. If a City owned vehicle is not available for employee travel, mileage on their private vehicle will be paid at the current IRS rate.

Hotels, motels, lodging: The City will pay only the regular motel bill plus taxes and food charged to room service. Parking expenses charged by the motel/hotel shall be an allowable expense.

Approved meal charges: Meal charges up to forty-five dollars (\$45.00), plus up to the State allowed 15% tip ($\$45.00 + \$6.75 = \$51.75$) per day will be approved for meals as a per diem. Partial day per diem guidelines are broken down as such: Breakfast- $\$10.00 + (\text{tip}) \$1.50 = \$11.50$; Lunch - $\$15.00 + (\text{tip}) \$2.25 = \$17.75$; Dinner - $\$20.00 + (\text{tip}) \$3.00 = \$23.00$. Employees are responsible for remitting to the Finance Department an original receipt for meals listing the actual items purchased. In extraordinary cases where the cost of meals in the travel area is considerably higher than the allowable per diem (example: Washington, D.C.) the City will accept the expense of those meals providing the employee remits an original receipt listing the actual items purchased. **Tips above the State allowable 15%, and alcoholic beverages, will not be paid by the City.** When meals are included in the registration cost of an event, no reimbursement will be allowed for those included meals unless dietary restrictions prevent the consumption of included meals.

Upon return from approved travel the employee shall complete an expense report for the trip with original receipts attached. After approval of the employee's department head, the report will be presented to the Finance Department for payment.

Municipal governments are forbidden by state law from issuing travel advances. The City may pay lodging expenses to the hotel/motel and meeting or seminar fees, directly to the appropriate parties.

4.11 PERFORMANCE EVALUATIONS

All employees will participate in the performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities.

Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Employee signature on formal review forms will serve as notice that the review has taken place and not whether he/she agrees or disagrees with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment.

4.12 JOB SAFETY

The City of Lowell strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and the practice of careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or department head for the correct method.

Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- Follow all departmental safety rules.
- Use all mechanical safeguards on or for employee equipment.
- Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head.
- Immediately report any unsafe or potentially unsafe working condition or equipment.
- Immediately report any and every accident to the supervisor or Department head.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, email or written communication directed towards an employee or his or her friends/family members; stalking; and the destruction of personal and/or City property.

Dangerous items such as weapons, explosives, or firearms are not permitted on City property, or on an employee's person while at work or conducting City business offsite. City, County, State, and Federal law enforcement officers, as well as Federal military personnel, are permitted by law to carry firearms. Exception: When deemed to be in the interest of employee safety, an employee who is a licensed holder of a concealed handgun carry license, with the written permission

of their respective Department Head and the Mayor, may possess a concealed handgun.

4.13 REFUSAL TO WORK

A City employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the City shall cause the employee to forfeit his or her employment and result in the termination of the employee from the City of Lowell.

4.14 RESIGNATION/TERMINATION

Employees who wish to terminate their employment with the City of Lowell are urged to notify the City at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the City sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are urged to provide the City with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled to commence in a timely manner.

All employment relationships with the City of Lowell are on an at-will basis. Thus, although the City of Lowell hopes that the relationship with employees is rewarding, the City reserves the right to terminate the employment relationship of any employee at any time.

4.15 EXIT INTERVIEWS

Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any City property in his/her possession or which was entrusted to him/her.

4.16 JOB DESCRIPTIONS

It shall be the responsibility of the department head to maintain a job description on file for each position in the department. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgement.

CHAPTER 5

BENEFITS

5.1 VACATIONS

5.1.1 POLICE DEPARTMENT

Pursuant to Ark. Code Ann. §14-52-106, each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. The Police Chief shall see that employees of the police department take their vacation time before the end of the calendar year, or shortly thereafter.

VACATION ACCRUAL RATE

<u>Years of Service</u>	<u>Vacation</u>
0 through 1 st year	0 days' vacation
2 nd through 7 th year	15 working days (120 hours)
8 th year through 14 th year	20 working days (160 hours)
15 th year and after	25 working days (200 hours)

Upon completion of the first year of full-time employment all future vacation time shall become available January 1st of each year thereafter with exception to the eighth and fifteenth year. The additional five (5) working days of paid vacation will become available on the employee's eighth (8th) and fifteenth (15th) year anniversary date.

5.1.2 FIRE DEPARTMENT

Pursuant to Ark. Code Ann. § 14-53-107, each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. The Fire Chief shall see that employees of the Fire Department take their vacation time before the end of the calendar year, or shortly thereafter.

VACATION ACCRUAL RATE – ADMINISTRATIVE FIRE PERSONNEL

<u>Years of Service</u>	<u>Vacation</u>
0 through 1 st year	0 days' vacation
2 nd through 7 th year	15 working days (120 hours)
8 th year through 14 th year	20 working days (160 hours)
15 th year and after	25 working days (200 hours)

Upon completion of the first year of full-time employment all future vacation time shall become available January 1st of each year thereafter with exception to the eighth and fifteenth year. The additional five (5) working days of paid vacation will become available on the employee's eighth (8th) and fifteenth (15th) year anniversary date.

VACATION ACCRUAL RATE – UNIFORMED SHIFT FIREFIGHTERS

<u>Years of Service</u>	<u>Vacation</u>
0 through 1 st year	0 days' vacation
2 nd through 7 th year	7 working days (168 hrs.)
8 th through 14 th year	9 working days (216 hrs.)
15 th year and after	12 working days (288 hrs.)

Upon completion of the first year of full-time employment all future vacation time shall become available January 1st of each year thereafter with exception to the eighth and fifteenth years. The additional working days of paid vacation will become available on the employee's eighth (8th) and fifteenth (15th) year anniversary date.

5.1.3 NON-UNIFORMED EMPLOYEES

Non – Uniformed employees shall be granted vacation days according to the following schedule:

VACATION ACCRUAL RATE	
<u>Years of Service</u>	<u>Vacation</u>
After 1 st 6 months	2 working days (16 hours)
1 st through 4 th year	10 working days (80 hours)
5 th year through 10 th year	15 working days (120 hours)
11 th year through 14 th year	20 working days (160 hours)
15 th year and after	25 working days (200 hours)

Upon completion of the first six (6) months of full-time employment an employee will have two working days vacation time. Ten (10) vacation days shall become available upon the employee's first year anniversary. All future vacation time shall become available January 1st of each year thereafter with exception to the fifth (5th), eleventh (11th), and fifteenth (15th) years. The additional five (5) working days of paid vacation will become available on the employee's fifth (5th), eleventh (11th), and fifteenth (15th) year anniversary date.

5.1.4 VACATIONS – ALL PERSONNEL

No more than ten (10) vacation days (80 hours) may be carried over from year to year by non-uniformed employees, Police Department employees, and administrative Fire Department employees. No more than four (4) vacation days (96 hours) may be carried over from year to year by uniformed shift Fire Department employees. All vacation hours beyond the above permitted carry over from year to year will be deemed forfeited. Department heads are responsible for ensuring that they, and their staff, take the appropriate vacation time each year.

Buyout of vacation time shall not be permitted except under extraordinary circumstances as approved by the Mayor and Department Head. Employees leaving employment with the City will be paid out only for vacation hours currently unused at the time they leave employment.

Policies concerning vacation time for an employee in no way alters the City of Lowell's at will employment policy as described in this Personnel Handbook.

5.1.5 SCHEDULING VACATIONS

Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and their supervisor. All vacation leave must have the advance approval of employee's supervisor so that the leave fits into the overall scheduling of the department. Employees shall submit a request in writing to the department head at least one (1) week prior to the date of their desired vacation time. The permissible number of employees taking vacation at any one time will be determined by the department head based on the departmental needs and work load.

If a City-observed holiday occurs during the calendar week in which a vacation period is scheduled, equivalent time off with pay will be provided, or at the employee's request the employee's vacation may be extended for one (1) additional working day.

5.2 HOLIDAYS AND HOLIDAY PAY

All full-time employees are entitled to their regular rate of pay for the following holidays:

New Year's Day.....	January 1st
Martin Luther King Day.....	Third Monday in January
Presidents' Day.....	Third Monday in February
Memorial Day.....	Last Monday in May
Independence Day.....	July 4th
Labor Day.....	First Monday in September
Veterans' Day.....	November 11th
Thanksgiving Day.....	Fourth Thursday in November
The Day after Thanksgiving	
Christmas Eve.....	December 24th
Christmas Day.....	December 25 th

When a holiday occurs on a Saturday, it is observed on the preceding workday (Friday). When a holiday occurs on a Sunday, it is observed on the following workday (Monday).

All non-salaried employees will be required to be on active pay status the day before and the day following a holiday to receive holiday pay benefits. Vacation or compensatory time (comp time) is considered active pay status. Sick time taken, for holiday pay purposes, is not considered active pay status and will only apply under extraordinary circumstances approved by the Department Head and the Mayor.

5.3 INCLEMENT WEATHER

In exceptional circumstances beyond the employee's control, such as inclement weather that causes hazardous conditions, the City may cease operations for the day, may open later than normal operational hours, or close on a day deemed too hazardous for travel by staff. If an employee's department is open for City business, the employee is expected to report for work. If, in the employee's opinion, conditions are too hazardous for the employee to travel to work safely, and the City is open for business, employees working in non – essential departments will have the option of taking vacation time or comp time, if such time is available. The employee will be required to provide their supervisor proper notice if they are unable to report for work. **Departments performing essential City services, Police, Fire, and Street Departments, will not close, and employees are required to report to work.** Essential department work schedules during inclement weather may be adjusted as needed to meet City service demands as determined by the Department Head.

The Mayor, or his designee, with assistance from the Police Chief, or his designee, will determine the operational hours and/or work schedules of non – essential employees during inclement weather events. In the event a closure determination has been made by the Mayor, or his designee, non – essential employees will be paid as a regular work day.

Employees may access inclement weather information on the City's web site, City's Facebook page, local radio and/or television stations. Employees may also call their respective department head, or Police Dispatch (479) 659 – 8888 to access inclement weather information.

5.4 SICK LEAVE

The City of Lowell recognizes that inability to work because of illness or injury may cause economic hardships for employees. As a benefit to its employees, the City provides paid sick leave to full-time employees. Non-uniformed, Police, and administrative Fire Department personnel accrue sick leave at the rate of twenty (20) working days (160 hours) per year beginning thirty (30) days after the date of employment. Uniformed shift Fire Department personnel accrue sick leave at the rate of ten (10) working days (240 hours) per year beginning thirty (30) days after the date of employment. If unused, sick leave shall accumulate to a maximum of one thousand four hundred forty (1,440) hours for uniformed shift Fire Department employees, and one thousand forty (1,040) hours for all other employees. Sick leave days may be used after completion of ninety (90) days full-time employment.

Time off may be charged against accumulated sick leave only for such days that an employee is scheduled to work. No sick leave, as provided in this section, shall be charged against any employee during any period of sickness, illness, or injury for any days which the employee is not scheduled to work.

If at the end of their service to the City upon retirement or death, whichever occurs first, an employee has unused accumulated sick leave, they shall be paid for

this sick leave, not to exceed four hundred eighty (480) hours at their regular rate of pay in effect at the time of retirement or death. For the purposes of the sick leave payout at the time of retirement, retirement is defined as an individual, of age or time served, eligible to receive a retirement stipend. (example: Social Security, APERS, or LOPFI) Retirement is not an individual leaving the employment of the City for other employment.

An employee maybe eligible for sick leave days for the following reasons:

- Personal illness or physical incapacity.
- Quarantine of an employee by a physician or health officer.
- Illness or injury in the employee's immediate family, as defined in the definitions section of this policy, which requires the employee's presence to care for the immediate family member
- Medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for their absence to their supervisor or acting supervisor within one (1) hour of the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.

Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the department head to submit a physician's statement. Employees suspected of abusing the sick leave benefit may be required to provide a physician's statement for each absence, and excessive absenteeism may lead to disciplinary action.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued sick leave in amounts of not less than one-half (1/2) hour increments. An employee who has no accrued sick leave and becomes ill and cannot work, shall use vacation time or comp time, if such time is available.

5.5 FUNERAL OR BEREAVEMENT LEAVE

Funeral leave with pay up to a maximum of three (3) calendar days will be granted to City employees in cases of death or in the circumstances of death in the immediate family (as defined in the definitions section of this policy) only. Leave requested beyond the three (3) calendar days will be charged to vacation or compensatory leave. Travel time may be granted upon prior approval from the Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary.

The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family. The Mayor will have the authority to decide should any questions arise concerning the eligibility for paid time off for funeral or bereavement leave.

5.6 MATERNITY LEAVE

Employees affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as persons with non-pregnancy related health impairments, illnesses or injuries. An employee's accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the City's Family Medical Leave Policy.

5.7 UNIFORMED SERVICES

In times of war or national emergency, full-time employees are entitled to receive a leave of absence without pay upon joining or being called into military service of the United States of America.

Employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days (120 hours) with pay plus necessary travel time. (A.C.A. 21-4-102 as amended by Acts 673 and 956 of 1991)

5.8 FAMILY MEDICAL LEAVE ACT

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by Foster care arrangement and to care for the newly placed child;
- For nearest blood relative to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks;
- The care of an immediate family member (spouse, child or parent, but not a parent "in-law") who has a serious health condition;
- The inability of a City employee to work because of a serious health condition which renders the employee unable to perform the essential functions of his or her job; and
- For any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of a call to active duty.

Leave for the birth of a child, for adoption or foster care, must be concluded within 12 months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

Leave allowed for medical reasons depends upon the existence of a serious health condition suffered by an employee or an immediate family member. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility;
Or
- Continuing treatment by a health care provider for a chronic or long-term condition that is so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days, and for prenatal care.

Generally, a condition will be considered a “serious health condition” if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three (3) calendar days.

The Family Medical Leave Act requires that the City maintain the employee’s health coverage under any group plan during the time the employee is on FMLA leave, provided the employee continues to pay any portion of the premium for which the employee would ordinarily be responsible.

5.8.1 FMLA ELIGIBILITY

To be eligible for the FMLA benefits, employees must: 1) be employed by the City for at least one year; and 2) have worked 1,250 hours over the previous twelve (12) months preceding the date the leave is requested to begin.

5.8.2 CALCULATION OF LEAVE

Employees eligible for FMLA may use up to twelve (12) weeks of leave during a 12-month period measured forward from the date the employee’s first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken. The next 12-month period will begin on the first day FMLA leave is taken after completion of any previous 12-month period.

5.8.3 USE OF PAID TIME OFF BENEFITS

When leave is taken under the FMLA, employee will be required to first use his/her available annual and accrued sick and vacation leave as part of the twelve (12) week family leave before becoming eligible for unpaid leave. The remaining amount of the twelve (12) weeks allowed leave will be without pay. That portion of family leave of absence which is taken using annual and accrued leave days will be with pay, according to the City’s annual leave policy. Using paid time off benefits does not add to the total length of the maximum leave permitted.

For example, Employee A has two (2) weeks of accrued vacation leave and two (2) weeks of accrued sick leave. Employee A requests and is granted four (4) weeks of FMLA leave. This leaves Employee A with eight (8) remaining weeks of available FMLA leave.

An employee using leave for the birth of a child is required to use annual and accrued leave for leave taken for physical recovery after childbirth.

5.8.4 INTERMITTENT OR REDUCED LEAVE

In case of an employee’s serious health condition or that of a family member, leave may be taken intermittently or on a reduced work schedule, if medically

necessary. If the employee chooses to use FMLA for the birth or adoption of a child, he/she may also take leave intermittently or on a reduced work schedule, if approval of the Department Head and the Mayor has been granted. If intermittent or reduced leave status has been granted to the employee, the City may in its sole discretion temporarily transfer the employee to another job, with equivalent pay and benefits, if another position would better accommodate the intermittent or reduced schedule. If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, the treatments should be scheduled in a manner that does not unduly disrupt the City's operations.

5.8.5 NOTIFICATION

You must provide your Department Head with thirty (30) days written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. If emergency conditions prevent thirty (30) days written notice, notification must be given to the Department Head as soon as possible. A copy of the notification will be forwarded to the Finance Department when approval is given. Notification forms will be provided to the employee.

5.8.6 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is twelve (12) weeks. If FMLA leave is taken for the adoption of a healthy child, or to take care of a sick parent, the maximum combined leave for both spouses is twelve (12) weeks. If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to twelve (12) total weeks of leave.

5.8.7 JOB RESTORATION

Employees granted FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. However, certain highly compensated, salaried employees, although eligible for FMLA leave, are not guaranteed restoration to their positions if they choose to take leave. Such employees will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for such employees while they are on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

5.8.8 EMPLOYEE BENEFITS

During an employee's FMLA leave of absence, health care benefits will continue. Both the City and the employee will be required to pay his/her portion of the monthly premium. The employee's failure to pay his/her share of the premium may result in loss of coverage. The Finance Department will advise the employee of the payment due dates. If the employee's payment is more than thirty (30) days

overdue, a written notice will be provided to the employee stating that their coverage will be dropped within fifteen (15) days if no payment has been received.

If the employee unequivocally informs the City that he/she does not intend to work for the City at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed towards the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work from FMLA leave for at least thirty (30) calendar days is deemed to have "returned to work". In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first thirty (30) days after returning from FMLA leave is deemed to have "returned to work".

While an employee is on FMLA leave he/she will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, any benefits accrued up to the day on which the FMLA leave began will not be lost. The use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies the Department Head prior to the end of the FMLA leave.

5.8.9 CERTIFICATION

Medical Certification by a qualified health care provider stating the need for FMLA leave for medical reasons is required. A Certification form may be obtained from the Finance Department. This form should be completed and returned to the Department Head, and the Department Head will then forward a copy to the Finance Department for the purpose of record keeping. When the leave is foreseeable and at least thirty (30) days' notice has been provided, the employee must provide the Certification before the leave begins. When prior notice of the leave is not possible, the employee must provide the requested Certification within fifteen (15) calendar days of the employee's departure, unless it is not practicable under the circumstances to do so, despite the employee's diligent good faith efforts. Employees who do not provide Medical Certification within these fifteen (15) calendar days must provide a reasonable explanation for the delay, along with the Certification.

Qualified Health Care Providers include: Doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the practice under State law. Qualified Health Care Providers also include Christian Science practitioners listed with the First Church of Christ, Scientist, in Boston, Massachusetts.

5.8.10 RELEASE TO RETURN TO WORK

A medical doctor's release is required for all City employees who return to work from a medical leave of five (5) working days or longer, which is taken for the employee's own serious health condition. Such release shall be provided to the Department Head prior to returning to work.

5.8.11 DISPUTE RESOLUTION

If a disagreement occurs over the medical opinion provided by the employee's qualified health care provider, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

5.9 SICK LEAVE BANK

5.9.1 PURPOSE

The City of Lowell agrees that a Sick Leave Bank (SLB) will be established and may only be used by an employee eligible for membership in the SLB.

Sick Leave Bank days may only be used upon exhaustion of a member's accumulated sick leave and compensatory time by a member who intends to return to work for the City. For purposes of the Sick Leave Bank Board compensatory time means: accumulated comp time and accumulated vacation time. SLB days may only be used for catastrophic illness or accident and with the approval of the SLB board.

The SLB year will be the same as the City's; January through December. SLB days will accumulate from year to year.

5.9.2 PARTICIPATION AND ELIGIBILITY

Participation in the SLB is only available to employees of the City who work a minimum of thirty-eight (38) hours per week for the entire year and have worked for the city at least thirty (30) days of continuous employment. Participation in the SLB is on a voluntary basis.

All newly hired employees who are eligible will be given an opportunity to join and must donate one (1) day of sick leave to the SLB. The initial Membership Form transferring sick leave hours to the SLB will be retained by the Payroll Department until available sick leave hours are transferred to the Sick Leave Bank.

Existing members of the SLB must renew their membership each November by signing and returning a membership form to the Finance Department.

In the event a new employee's eligibility for membership will fall within the year prior to November, he or she may donate and become a member in the SLB. Afterward the regular time for membership renewal will apply.

5.9.3 SICK LEAVE BANK (SLB) BOARD

The board will consist of five (5) members. One member will be the Mayor of the City or his designee. The other four (4) members will be appointed by the Mayor and may not be classified as a Department Head with the City. The members will be one each from the Fire Department, Police Department, Street Department and Administrative Services Department. The Finance Director will be a non-voting member of the board and serve in an advisory capacity only. The Mayor or his designee shall cast a vote in a tie breaking role only. The Chair and Secretary Positions shall be selected by the Board for a period of two (2) years or end of tenure, whichever comes first.

The SLB Board will administer the bank as follows:

- The SLB days may only be used upon exhaustion of a member's accumulated sick leave and any unused compensatory time and for a member who intends to return to work.
- SLB days will be granted to a member for personal catastrophic illness or catastrophic illness of a member of his/her immediate family only.
- A request for SLB days will be on the SLB form and submitted to the Finance Department. The Finance Department will verify the status of the member's accumulated sick and compensatory leave and then forward the request to the board within two (2) working days. The board chairman will then call a meeting of the SLB board within five (5) working days.
- The board will request the applicant to furnish a physician's statement. Such statement will attest to the applicant's circumstance being beyond customary and usual. This will also apply to a member of the applicant's immediate family if the request pertains to a family member's illness or accident. A physician's release to return to work will also be required.
- Sick leave grants and extensions made from the SLB will be of no more than six months in a calendar year.
- The denial or granting of a request will be in writing and forwarded to the applicant and a copy will also be forwarded to the Finance Department for payroll purposes. The grant or denial will be signed by all board members. All denials will state the reason(s) for such decision. Denials or approvals will never be based upon race, gender, age, creed, familial relationships, friendship, etc.
- Any applicant who has had SLB application denied will be eligible for an appeal. Such appeals should be presented, in writing, to the chairman of the SLB board within five (5) working days following notification of denial. Upon receipt of the appeal, the chairman will forward the appeal to the City Attorney for review and ruling. The ruling of the City Attorney will be final.
- The SLB board will be responsible for the proper administration, the maintenance of records and their usage, and the promotion or participation in the SLB. As with all public records, the records of the SLB will be available for inspection at any time.

5.10 LEAVE FOR WITNESS OR JURY DUTY

Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the Mayor a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employer's period of jury or witness duty is completed.

5.11 TRAINING LEAVE

The attendance of employees to seminars and training programs is considered part of continual professional development. Attendance to these meetings must be pre-approved by the Mayor. If employees are required to attend these meetings at a location requiring an overnight stay or travel time beyond the employee's normal work day, overtime will not be paid. However, the City will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy.

5.12 EMPLOYEE HEALTH BENEFITS

The City of Lowell provides a group health, dental, and vision plan for full-time employees. Detailed information on the policy and coverage will be provided to each new employee on or before the time of hire. Additional information may be obtained from the Finance Department.

5.13 OCCUPATIONAL INJURIES

All City employees are covered under the Arkansas State Workers' Compensation Laws. Any employee incurring an "on-the-job" injury should immediately notify his supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the Department bulletin boards.

5.14 ACCIDENTAL INJURY

If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

CHAPTER 6 STANDARDS OF CONDUCT

6.1 STANDARDS OF CONDUCT

Employees of the City of Lowell shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city.

In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both him and the city and further, one which generates the cooperation and approval of the public.

Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he would like to be treated with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.

When an employee is not certain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

6.2 UNIFORMS AND DRESS CODE POLICY

Uniforms or a uniform allowance may be provided to personnel of certain departments as authorized by the department. Personnel who are provided uniforms or a uniform allowance shall wear uniforms while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

Employees shall not wear City issued uniforms while off duty except to and from their scheduled shift or work assignment. Exception: Staff representing the City at City sanctioned activities, and law enforcement personnel may wear City issued uniforms while performing law enforcement activities.

DRESS CODE POLICY

Employees not required to wear uniforms should adhere to the following dress code policy:

It is the policy of the City of Lowell to present a **professional image** to the citizens we serve as well as the public at large. Because every employee may at one time or another come in contact with the public, it is important for all staff members to be dressed appropriately every day. In addition to proper dress, employees are expected to present a clean, neat and business-like appearance.

Creating a look that is professional and comfortable dictates employees wear business casual attire as follows:

Male Employees:

- Slacks – dress slacks including denim or cords

- Shirts - button down with collar (including polo type), no tank tops, shirts with tails to be tucked into slacks
- Sweaters
- Ties – when appropriate
- Shoes – dress boots, shoes or loafers, appropriate “athletic” type shoes, all to be worn with socks

Women employees:

- Slacks – dress slacks including denim or cords, appropriate length Capri
- Shirt - blouse or sweaters, including polo type
- Pant suits, dresses and skirts of appropriate length
- Shoes – dress boots or shoes, appropriate “athletic” type shoes, sandals

The following are some guidelines relative to this policy:

- Wrinkled, stained or dirty clothing is inappropriate
- Ripped jeans and “distressed clothes” are inappropriate
- Ladies tank top straps must be a minimum of two inches wide, no shoulder exposure. Male tank tops are inappropriate.
- T-shirts may be worn only on “casual days”
- Undershirts or shirts meant to be worn as undergarments are inappropriate
- Flashy “loud” clothing (including T-shirts with printed messages) are inappropriate
- Unbuttoned “button front” shirts are inappropriate unless worn as an “over shirt”
- Avoid lingerie looks or overly revealing outfits
- Be sure to check that garments are not too transparent
- Footwear should be secured to feet for safety
- Dirty, torn or worn out footwear of any type is inappropriate
- Excessive tattoos and piercings are inappropriate

Tattoos above the shoulder are considered inappropriate for the presentation of a professional image and must be covered while on duty. The display of tattoos that are not consistent with the City’s image, values, or mission are inappropriate. The display of tattoos that are offensive, demeaning, feature profanity, are sexual in nature, or have slogans, images, or other messages that do not promote or enhance a safe, productive, professional workplace are prohibited. The wearing of piercing jewelry will be limited to three (3) piercings per ear. All other piercing jewelry must be removed before reporting to work. Any jewelry interfering with the safety of the work performed must be removed before reporting to work. Any questions concerning the appropriateness of tattoos or piercings should first be directed to your Department Head.

The human resources office is the ultimate authority on appropriate attire at work, any questions or complaints that cannot be handled to the employee’s satisfaction by their department head should be taken to the human resources Director.

If an employee dresses inappropriately, they will be counseled by their department head. If the clothing is unduly distracting or unsafe, the employee may

be sent home without pay to change clothes. Repeated disregard for the dress policy may result in disciplinary action up to and including discharge.

Special accommodations and exceptions to this Policy will be at the Mayor's discretion.

6.3 GUIDELINES FOR APPROPRIATE CONDUCT

An employee of the City of Lowell is expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity on and off the job. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens, and/or the City.

Whether the employee is on duty or off-duty, his or her conduct reflects on the city. An employee should always observe the highest standards of professionalism. Due to the public nature of working for the City of Lowell employees shall report any misdemeanor or felony arrest to their supervisor within five (5) days of the arrest.

Types of behavior and conduct that the city considers inappropriate include, but are not limited to, the following:

- Falsifying employment or other city records;
- Violating any city nondiscrimination and/or harassment policy;
- Soliciting or accepting gratuities;
- Excessive absenteeism or tardiness;
- Excessive, unnecessary or unauthorized use of city property;
- Reports to work intoxicated or under the influence of non-prescribed drugs or participating in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;
- Buying or using alcoholic beverages in uniform, or while on city property, or using alcoholic beverages while engaged in city business on city premises, except where authorized;
- Fighting or using obscene, abusive or threatening language or gestures;
- Theft of any kind;
- Unauthorized possession of firearms on city premises or while on city business;
- Disregarding safety or security regulations;
- Insubordination;
- Neglect or carelessness resulting in damage to city property or equipment;
- Failure to adhere to departmental policies established by a department head or the Mayor.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

6.4 ABSENTEEISM AND TARDINESS

The City of Lowell expects all of its employees to be at work on time and on a regular basis. Unnecessary absence and tardiness are expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give proper notice to their supervisor. Unexcused absence and tardiness could result in disciplinary action. Excessive absenteeism or tardiness may result in disciplinary action.

6.5 NOT USED

6.6 OUTSIDE EMPLOYMENT OR MOONLIGHTING

All employees considering additional employment shall discuss the additional employment with, and gain approval from, their department head and the Mayor. Any changes in additional employment shall be reported to their department head and will be subject to re-evaluation.

If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, resulting in embarrassment, legitimate and reasonable criticism or of a type that may be construed by the public to be an official act of the city or in any way violate these policies. City uniforms shall not be worn during outside employment unless approved in advance by the department head.

6.7 NOT USED

6.8 OUTSIDE COMPENSATION

No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city.

6.9 POLITICAL ACTIVITY

City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for the purpose.

No employee will participate in political activity during normal working hours. No employee or elected official will devote any time or labor during usual office hours during the campaign of any other candidate for office or for the nomination to any office." (A.C.A. 7-I-103)

No employee or elected official who may be a candidate for the nomination to any office, or who may be a candidate for any office to be voted for at any election may use any office or room furnished at public expense for his political headquarters or to send out or distribute any letter, circulars or other campaign literature from such public office or room.

Placing campaign banners, cards, or campaign literature on any cars, trucks or tractors belonging to the City is prohibited. (A.C.A. 7-1-103)

Any person desiring to run for election to any municipal office of the city will be permitted to take a leave of absence without pay (unused vacation time may be used) upon announcement of his or her candidacy.

6.10 USE OF NARCOTICS, ALCOHOL AND TOBACCO

Employees of the City of Lowell shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on City property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

Smoking is only permitted in designated areas.

6.11 DRUG FREE WORKPLACE

It is the policy of the City of Lowell to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the City's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the City of Lowell or on the City's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the City, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the City.

To educate employees on the danger of drug abuse, the City has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the City's policy regarding drugs, the availability of counseling, and the City's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the City within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

6.12 USE OF CITY ASSETS AND RESOURCES

All City owned assets, leased or licensed equipment or documents are restricted to City business purposes only.

6.12.1 TELEPHONES

Telephones are to be used to conduct City business. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance.

The City reserves the right to monitor all telephone usage and to restrict personal cell phone usage while an employee is "on City time". It is the duty of each Department Head to monitor and correct any excessive usage or diminished job performance by his/her employee.

6.12.2 COMPUTERS AND OTHER TECHNOLOGICAL RESOURCES

To help maximize its employees' efficiency in carrying out their respective job duties, the City of Lowell provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. Please remember that these tools are City property and must be used in a manner that reflects positively on the city and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the City. Reading another employee's files is prohibited unless authorized by the department head. Employees shall not transport software or data provided by the City to another computer site without prior authorization from the department responsible for the data.

The City will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

- Hacking;
- Pirating software or audio/video files;
- Soliciting
- Distributing literature for outside entities;
- Sending inappropriate e-mails;
- Accessing, viewing, or downloading inappropriate Web sites, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
- Distributing confidential information to persons/entities who are not entitled to such information;
- Storing or placing unlawful information on a computer or the network;
- Copying system files without proper authorization;
- Copying copyrighted materials without proper authorization;
- Use of abusive or otherwise objectionable language in either public or private messages;

- Sending “chain-letters,” jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
- Decryption of system or user passwords;

Only software which has been purchased or approved by the City of Lowell may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with City computers, networks, or storage media are property of the City and shall not be removed from the workplace without proper authorization. The City’s software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software. Computer equipment, including software, should not be removed from City premises without prior written approval from the Information Systems Department head.

The City reserves the right to monitor and inspect, without notice, the use of its information and technology resources.

6.12.3 INTERNET ACCESS/ELECTRONIC COMMUNICATIONS

The City of Lowell provides employees with internet access and electronic communications services as required for the performance and fulfillment of job related responsibilities. These services are for the purpose of increasing productivity and efficiency, not to be used for non-business activities.

Authority

This policy has the full support of the Mayor, City Attorney and the City Council. The Information Systems Department administrates this policy, currently effective for all city employees and computer systems.

Internet Use Policy

The Internet provides a source of information that can benefit every professional discipline represented in the City of Lowell. It is the policy of the City that employees whose job performance can be enhanced through the use of the Internet be provided access and become proficient in its capabilities. This policy document delineates acceptable use of the Internet by City employees while using City owned or leased equipment, facilities, Internet addresses, or domain names registered to the City of Lowell. Access to the Internet provides city departments with the opportunity to locate and use current and historical data from multiple sources worldwide in their decision-making processes.

Municipal computer systems are for City use and not for personal use. City employees are permitted to engage in the following activities:

1. During work hours, access job related information, as needed, to meet the requirements of their jobs.
2. During work hours, participate in news groups, chat sessions, and E-mail discussion groups, provided these sessions have a direct relationship to the user’s job with the department. If personal opinions are expressed, a

disclaimer should be included stating that this is not an official position of the City.

The following uses of the Internet, using departmental equipment or facilities whether during working hours or personal time, are not allowed:

1. Access, retrieve, or print text and graphics information which exceeds the bounds of generally accepted standards of good taste and ethics.
2. Engage in any unlawful activities or any other activities which would in any way bring discredit to the City of Lowell.
3. Engage in personal commercial activities on the Internet, including offering services or merchandise for sale or ordering services or merchandise from on-line vendors.
4. Engage in any activity which would compromise the security of any city computer. User login passwords will not be disclosed or shared with other users.

Use of computer equipment and Internet access to accomplish job responsibilities will always have priority over personal use. In order to avoid capacity problems and to reduce the susceptibility of Information Systems Department resources to computer viruses, Internet users will comply with the following guidelines:

1. Personal files obtained via the Internet may not be stored on individual PC hard drives or on local area network (LAN) file servers.
2. Users should conduct themselves in a way that reflects positively on the City of Lowell, since they are identified as City employees on the internet.
3. Following existing security policies and procedures in their use of Internet services and will refrain from any practices which might jeopardize the City's computer systems and data files, including but not limited to virus attacks, when downloading files from the Internet.

Individuals using City of Lowell equipment to access the Internet are subject to having activities monitored by system or security personnel. Use of this system constitutes consent to security monitoring, and employees should remember that most sessions are not private.

Personnel may not utilize or connect to city Internet access for their personal computers. NO additional modems, routers or other such devices may be added without the permission of the Information Systems Administrator.

Infringements of this policy will be investigated on a case-by-case basis.

6.12.4 NOT USED

6.12.5 REMOVAL OF CITY PROPERTY

No City owned, leased or licensed equipment or documents (other than vehicles) may be removed from City premises without prior written approval from the Mayor.

6.13 CITY VEHICLES

On occasion, the City may permit certain employees to use its vehicles to conduct City business. A valid and current driver's license must be in possession of the operator and maintained at all times. When using a City vehicle, employees shall exhibit due care at all times and shall comply with all federal, state and local laws pertaining the operation of the vehicle.

The use of City vehicles is restricted to City business purposes only. Employees using City vehicles shall not pick up or transport any private parties not directly involved with the work of the City. With prior permission of the Mayor, employees may transport spouses in City vehicles when attending conferences or meetings.

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle.

Thefts or accidents involving City vehicles must be reported immediately to the police and department head. The improper, careless, negligent, destructive, reckless, or unsafe use of City equipment or vehicles may result in disciplinary action.

6.14 DISCIPLINARY ACTION

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in this Handbook, or any other City policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal.

Disciplinary action may include, but is not limited to:

WARNING OR REPRIMAND. A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.

SUSPENSION. Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.

DEMOTION. A demotion is an action that places the employee in a position of less responsibility and less pay.

TERMINATION. This type of disciplinary action is a removal of an employee from city employment.

The City may, or may not, follow the disciplinary steps as outlined above. The City reserves the right to follow the steps as outlined, skip any or all steps as outlined, and to utilize immediate termination.

6.15 PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION

An employee may appeal a termination as follows:

A terminated employee may submit an appeal in writing to the Mayor within five (5) working days of the date of termination. The Mayor will review the facts of the appeal submitted by the terminated employee, discuss the facts of the termination with the terminated employee's department head, and respond with a written decision within ten (10) working days of receipt of the written appeal from the terminated employee. The decision of the Mayor will be final.

CHAPTER 7

MISCELLANEOUS INFORMATION

7.1 POLICY STATEMENT

The City of Lowell possesses the sole right to operate and manage the affairs of the City.

7.2 CONFLICTS

The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence.

7.3 SEVERABILITY

Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect. To the extent that law provides additional or different benefits or rights to employees, the provisions of this Handbook shall be deemed to include those statements of law.

7.4 POLICY CHANGES

The City of Lowell reserves the right to suspend, revoke, or revise any of the policies contained in this Handbook at any time.

7.5 CHANGE OF ADDRESS

Employees changing their home address or telephone number must notify their Department head and the Finance Department of this change so that personnel files can be kept current. This is important in case the City must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her Department Head.

CHAPTER 8

SALARIES

8.1 WAGES

The Mayor, or his designee, will conduct an annual review during the annual budget preparation of the prevailing wage rate paid in the immediate area for similar positions as those in the City, if possible. Based on those findings the Mayor may recommend wage changes to the City Council to keep wages current, uniform, and equitable. Budgetary restrictions may also influence the wage rates proposed by the Mayor during the budgetary process.

8.2 ANNIVERSARY DATES

For compensation purposes only, all employees' anniversary dates will be considered to be January 1 of the year immediately following date of hire and every year thereafter. By establishing January 1 as anniversary dates this enables Department heads to evaluate and recommend any change to the wage structure to be included during the budget process.

8.3 DATE OF HIRE

Retirement benefits will be determined using the actual date of hire.

8.4 PERFORMANCE EVALUATIONS

Department heads should strive to complete performance evaluations by September 1st of each year. This will enable them to have any wage recommendations ready for submission with their budget packages. All increases should be based on merit and performance. The City of Lowell does not grant increases automatically or at given intervals, and a performance evaluation does not necessarily mean a salary adjustment.

8.5 COST OF LIVING ALLOWANCES

The City Council may, if the funds are available, choose to grant cost of living allowances to City employees. Cost of living allowances are considered by the City Council during the budget process.

8.6 PAY PERIODS

City employees are paid on a biweekly schedule utilizing direct deposit. There are 26 pay periods in a year. If payday falls on a holiday, the date of pay will be the last working day prior to the holiday.

8.7 PAYROLL DEDUCTIONS

The following will be deducted from each employee's paycheck as required by law:

- Federal income tax withholding

- State income tax withholding
- Social Security (Except for firefighters)
- Medicare Insurance
- Retirement contributions (Elected and/or eligible employees only)
- Deductions authorized by law, such as garnishments

Authority to allow any other payroll deductions is vested with the Finance Department and/or the Mayor.

Employees are responsible for maintaining current deduction information with the Payroll administrator. Enrollment and change forms are kept in the offices of the Finance Department.

8.8 RECORD KEEPING

The employee is responsible for the following:

Submission each pay period of a time sheet filled out and signed for the previous two weeks. This should be given to the Department head for review and approval.

The time sheet should include the following:

- Employee's name
- Department name
- Pay period
- Hours of compensation broken down daily
- Overtime hours worked (nonexempt only)
- Holiday hours
- Sick leave taken
- Compensatory time taken
- Vacation time taken
- Leave without pay

Department heads are responsible for the following:

- Review, approval and submission of time sheets, by noon Monday following the last day of the pay period.
- A record of compensatory time earned and taken to date with a total time remaining to be taken.
- A record of vacation time earned and taken to date with a total time remaining to be taken.
- A record of sick pay earned and taken to date with a total time remaining to be taken.

CHAPTER 9 **HEALTHY WORKPLACE**

It is the intent of the City of Lowell to provide a safe environment for employees, as well as for the citizens of Lowell who visit us here, and for those who have business here. It is also our intent to properly manage any incidents that occur

so as to minimize injury, sickness and other forms of loss. A well-managed workplace safety program can benefit our entity and its people in countless ways.

In order for us to achieve our goal of a safe City office complex, we have developed a workplace safety program outlining the policies and procedures regarding employee health and safety. Each and every individual must become familiar with the program, follow and enforce the procedures, and become an active participant in this workplace safety program.

While the Mayor and your Department Heads will be responsible for developing and organizing this program, its success will depend on the involvement of each employee. This policy and the instructions contained in it are mandatory. We expect and look forward to your cooperation and participation.

9.1 PREVENTION OF THE SPREAD OF ILLNESS IN THE WORKPLACE

If you are ill with a virus or other sickness that you know can be passed from person to person by the transmission of some bodily fluid, such as sneezing or coughing or touching areas we use together, such as the copier or telephones, you should advise your Department Head or the Mayor as required in the City's personnel policies when you must miss work. If you are not certain whether an illness you have is contagious, please ask your doctor. It is not always possible to avoid an illness, but it is your responsibility to protect your fellow Lowell employees from any illness you have whenever possible.

Never share personal items at work. This includes items such as makeup, eye pencils, toothbrush, eating utensils lip balm, contact lens care equipment and solution, razors.

All dishes and utensils which are kept at the City offices shall be cleaned using hot soapy water before re-use. Special care should be used when handling sharp utensils.

Everyone must wash their hands thoroughly before and after eating at the City offices, and, of course, after visiting the restrooms.

Dispose of all waste by placing it in the trash containers. NEVER push trash down into the trash container with your hands and NEVER reach into a trash can to retrieve anything.

9.2 REDUCING THE RISK OF TRANSMISSION OF BLOOD BORNE PATHOGENS

The purpose of this section of the healthy workplace policy is to minimize exposure at work to Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human Immunodeficiency Virus (HIV), and other blood borne pathogens and to assure that no employee will suffer material health or functional impairment due to exposure to hazardous agents while in the course of their employment with the City of Lowell.

9.3 DEFINITIONS

OCCUPATIONAL EXPOSURE - Is any reasonable anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other potentially infectious materials that may result from the performance of an employee's duties.

EXPOSURE INCIDENT - Means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other infectious materials that result from the performance of an employee's duties.

Other potentially infectious materials include:

Any fluid or solid that is visibly contaminated with blood.

All body fluids in situations where it is difficult or impossible to differentiate between body fluids.

9.4 EMPLOYEE EDUCATION AND TRAINING

All employees who work in the City offices shall receive and be directed to read this policy. Additional training may be performed by an individual who has been designated by the Mayor for that purpose. New employees shall receive this policy at the time of initial hire.

9.5 WORK PRACTICE CONTROLS

It is the intent of this policy to reduce the likelihood of exposure through changing the way some tasks are performed. Employees are encouraged to bandage or administer their own first aid whenever possible. If you find you are bleeding and are unable to quickly stop your bleeding, and, if appropriate, cover or "dress" the area of your skin where you are bleeding, then you are to contact the Lowell Fire Department if you believe you are in danger, or, if you are not in danger, leave the City offices and return home or visit your doctor to bring the bleeding under control.

In addition, the City of Lowell will utilize the following work practice controls:

1. Universal Precautions - An approach to infection control whereby all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV or other blood-borne pathogens.
2. Hand Washing Procedures - Proper hand washing practices are the single most important activity that can be implemented to prevent the spread of infection.

Hand Washing Procedure:

- Wet hands under running water
- Using mechanically dispensable soap, apply friction by rubbing hands together well, paying special attention to nails and other crevices. Do this for 30 seconds.
- Rinse with running water
- Dry hands with single service disposable paper towel
- Turn faucet off with paper towel and then discard

Hand washing will be done before breaks and lunch and any other time that constitutes it. Employees without access to running water on demand shall be provided and shall modify the procedure listed in (1) above and use a waterless germicidal agent as provided by the City.

3. "Sharps" disposal boxes are located in the men's and women's restrooms.

4. Eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses are prohibited in areas where there is reasonable likelihood of occupational exposure.
5. The City of Lowell will provide appropriate personal protective equipment and it will be readily accessible at the work site or issued to employees as appropriate.
 1. The following measures shall be utilized by personnel as indicated:
 - a. Protective Gloves – The use of gloves is indicated for procedures where bodily fluids are handled and particularly important in the following circumstances:
 - i. If the worker receives a cut or abraded skin, the person dressing or assisting will wear protective gloves to bandage the cut. Anytime first aid is rendered in the City Hall offices, protective gloves must be worn.
 - ii. During all cleaning of body fluids and decontaminating procedures.
 - iii. During any direct first aid incidents not for day-to-day occupational use.
 2. If you feel you have been exposed, a post exposure evaluation and follow-up will be made available by the City.
 3. Following a report of an Exposure Incident, the City shall make available a confidential medical evaluation which will include:
 - i. Documentation of route of exposure and circumstances
 - ii. HIV/HBV/HCV status of source individual
 - iii. Serological testing of blood ASAP
 - iv. Post-exposure vaccine (if indicated)
 - v. Medical evaluation of reported illnesses
 4. The treating physician is to be provided with a copy of the blood borne pathogens policy and a description of the employee's duties and occupational exposure.
 5. The City shall obtain and provide the exposed employee with a copy of the physician's written opinion within 15 working days of the completion of the evaluation.
 6. The physician's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
 - i. That the employee has been informed of the results of the evaluation.
 - ii. That the employee has been told about any medical conditions resulting from the exposure to blood or other potentially infectious materials which require further evaluation and treatment.

All Other findings and diagnoses are to remain confidential.

9.6 HOUSEKEEPING/CLEANING CONTROLS

It is the intent of this policy to reduce employee and visitor exposure in City Hall by either removing the hazard or isolating the worker from exposure. To achieve this goal, the following procedures will be adopted by the City:

9.6.1 Housekeeping Procedures

Departments shall ensure the work site is maintained in a clean and sanitary condition. (Hospital grade virucide or 1:10 bleach to water solution.) If a bleach solution is made, it shall be changed daily.

All equipment, environmental surfaces and work surfaces shall be decontaminated ASAP after contact with blood or other potentially infectious materials. If you observe that any equipment you use or any equipment you observe has become in contact with blood, notify the City cleaning staff immediately. Blood contaminated equipment that is difficult to clean, such as computer keyboards, will be properly disposed of and replaced.

All bins, pails, cans, plastic liners, and similar receptacles intended for reuse which have a likelihood for becoming contaminated with potentially infectious materials shall be inspected and decontaminated on a routine basis or cleaned as soon as visibly soiled.

Broken glass, which may be contaminated, shall not be picked up directly with the hands. The employee must use mechanical means, such as a broom and dust pan.